

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DAVID W. HOWELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-07-1443-M
	)	
BILL WINCHESTER, et al.,	)	
	)	
Defendants.	)	


**ORDER**

On August 12, 2008, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983 with respect to a claim for deliberate indifference to plaintiff's serious medical needs. The Magistrate Judge recommended the Court dismiss without prejudice the cause of action for failure to effect timely service of process under Fed. R. Civ. P. 4(m). The parties were advised of their right to object to the Report and Recommendation by September 2, 2008. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 12, 2008;
- (2) DISMISSES this action without prejudice pursuant to Fed. R. Civ. P. 4(m), the remaining claim of deliberate indifference to plaintiff's serious medical needs.

**IT IS SO ORDERED this 10<sup>th</sup> day of September, 2008.**

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE